

AUG 22 2005

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

## ALSTON &amp; BIRD LLP

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

704-444-1000

Fax: 704-444-1111

## TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

## Date:

August 22, 2005

## Recipient:

Mail Stop 16

## Company:

U.S. PATENT AND TRADEMARK  
OFFICE

## Fax Number:

(571) 273-8300

## Voice Number:

## Sender:

Ernest B. Lipscomb, III

## Message:

Application No. 09/560,288

RECEIVED  
OIPE/IAP

REQUEST FOR REFUND

AUG 23 2005

Number of Pages: (including cover page)

2

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT .

USER CODE:	LIPSE	REQUESTED BY:	Jan Sherrill - 1163
CLIENT/MATTER:	038151/195944	OPERATOR:	

Aug-22-05

04:08pm

From-ALSTON & BIRD LLP

RECEIVED  
CENTRAL FAX CENTER  
704 444 1111

T-844 P.002/002 F-786

Attorney's Docket No. 038151/195944

AUG 22 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Hanley et al.

Appl. No.: 09/560,288

Filed: April 17, 2000

For: METHOD USING HUMAN INTERVERTEBRAL DISC CELLS

Confirmation No.: 3083

Group No.: 1647

Examiner: Robert Clinton Hayes

MAIL STOP 16

Director of the US Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR REFUND

1. **REFUND REQUEST:** This is a request for a refund of \$730.00 as indicated on the attached copy of Check No. 00000769, dated May 9, 2005.
2. **EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR:** The Issue Fee, Publication Fee and Advance Copies totalling \$730.00 were paid on May 9, 2005 and an Office Action was issued on August 9, 2005 withdrawing the allowance because of a new reference that was found.
3. **MANNER OF REFUND:** Please make refund by crediting our Deposit Account No. 16-0605.

Respectfully submitted,

*Ernest B. Lipscomb, III*

Ernest B. Lipscomb, III

Registration No. 24,733

CUSTOMER NO. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel Charlotte Office (704) 444-1000

Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273-6500 on the date shown below.

*Jane F. Sherrill*  
Jane F. Sherrill

August 22, 2005

Date